

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 18

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte BERNARD AMMERMANN,
EARLE BUTTERFIELD,
JENS LERCHL,
GISELA LORENZ,
ACHIM MOLLER,
UDO RABE,
RALF-MICHAEL SCHMIDT; and
UDO CONRAD

MAILED

SEP - 5 2002

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Application No. 09/403,654

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on August 21, 2002. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

Application No. 09/403,654

An Examiner's Answer (Paper No. 17) was mailed August 15, 2002. As a matter of right, appellants may file a Reply Brief within two months from the mailing of the Examiner's Answer. Extensions of time to file the Reply Brief may also be granted. See 37 CFR §§ 1.193(b)(1) and 1.550(c). Since the Examiner's Answer was mailed from the Examining Crops, it is appropriate to return the application to the jurisdiction of the Examining Corps until sufficient time has passed to allow for the filing, if any, of the above papers.

Accordingly, it is

ORDERED that the application is returned to the Examiner for appropriate action, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES



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Application No. 09/403,654

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